



**ORDINANCE NUMBER 2825**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW OUTSIDE SALES FOR A RETAIL SHOWROOM AND WAREHOUSE LOCATED AT 13675 STEMMONS FREEWAY AND WITHIN THE PLANNED DEVELOPMENT NUMBER 25 (PD-25) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

**SECTION 2.** That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit to allow outside sales for a retail showroom and warehouse located at 13675 Stemmons Freeway within Planned Development Number 25 (PD-25) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

**SECTION 3.** That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development Number 25 (PD-25) zoning district and in accordance with the approved site plan attached as Exhibit "C" and the plan of operation attached as Exhibit "D." All exhibits attached hereto are incorporated herein by reference.

**SECTION 4.** That the site plan attached hereto as Exhibit "C" is approved with the following condition: All site improvements and replatting shall be completed prior to items being displayed within the outside sales garden area.

**SECTION 5.** Owner shall maintain in the originally designed condition all figures in Exhibit "D" and shall promptly make any repairs to any damage that occurs to such items. Should any figure not be maintained as described herein the City may give written notice to the Owner

specifying the item and the repair considered necessary. Should the Owner fail to make the necessary repairs within 30 days, or provide the City with a time table for such repair or removal acceptable to the City, the City may remove the item and place a lien upon the property for any reasonable costs incurred by the City or take any other legal remedy as allowed by law.

**SECTION 6.** If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

**SECTION 7.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 8.** In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

**SECTION 9.** This ordinance shall take effect immediately from and after its passage as the law in such case provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 6th day of September, 2005.**

APPROVED:

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

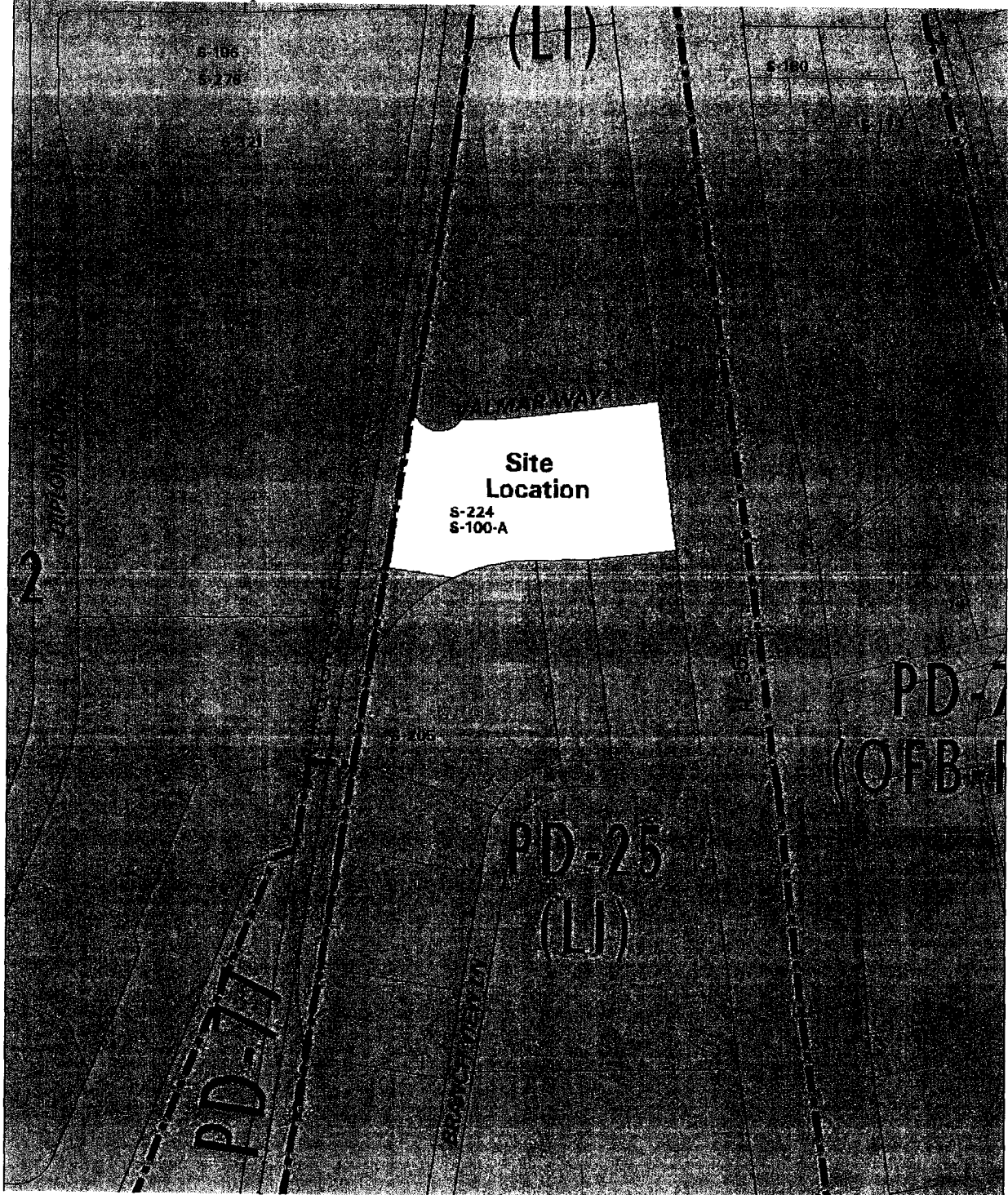
ATTEST:

  
\_\_\_\_\_  
City Secretary

**Exhibit A – Legal Description**

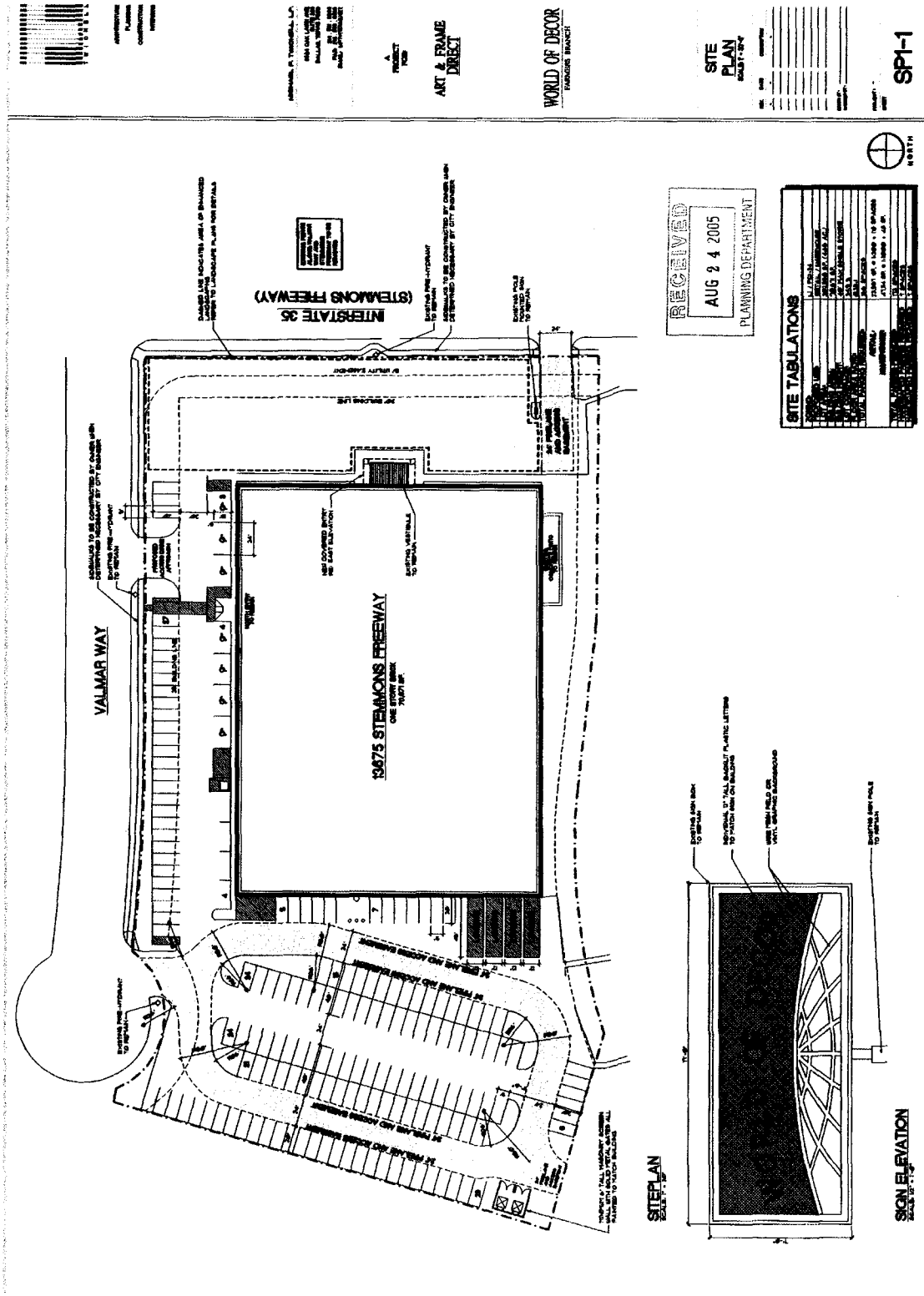
**Block B of the Stewco Development Subdivision No. 8, an addition to the City of Farmers Branch, Dallas County, Texas. Volume 82005, page 178.**

Exhibit B – Locator Map



City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131  
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.  
Internet URL...<http://www.ci.farmers-branch.tx.us>

# Exhibit C – Site Plan

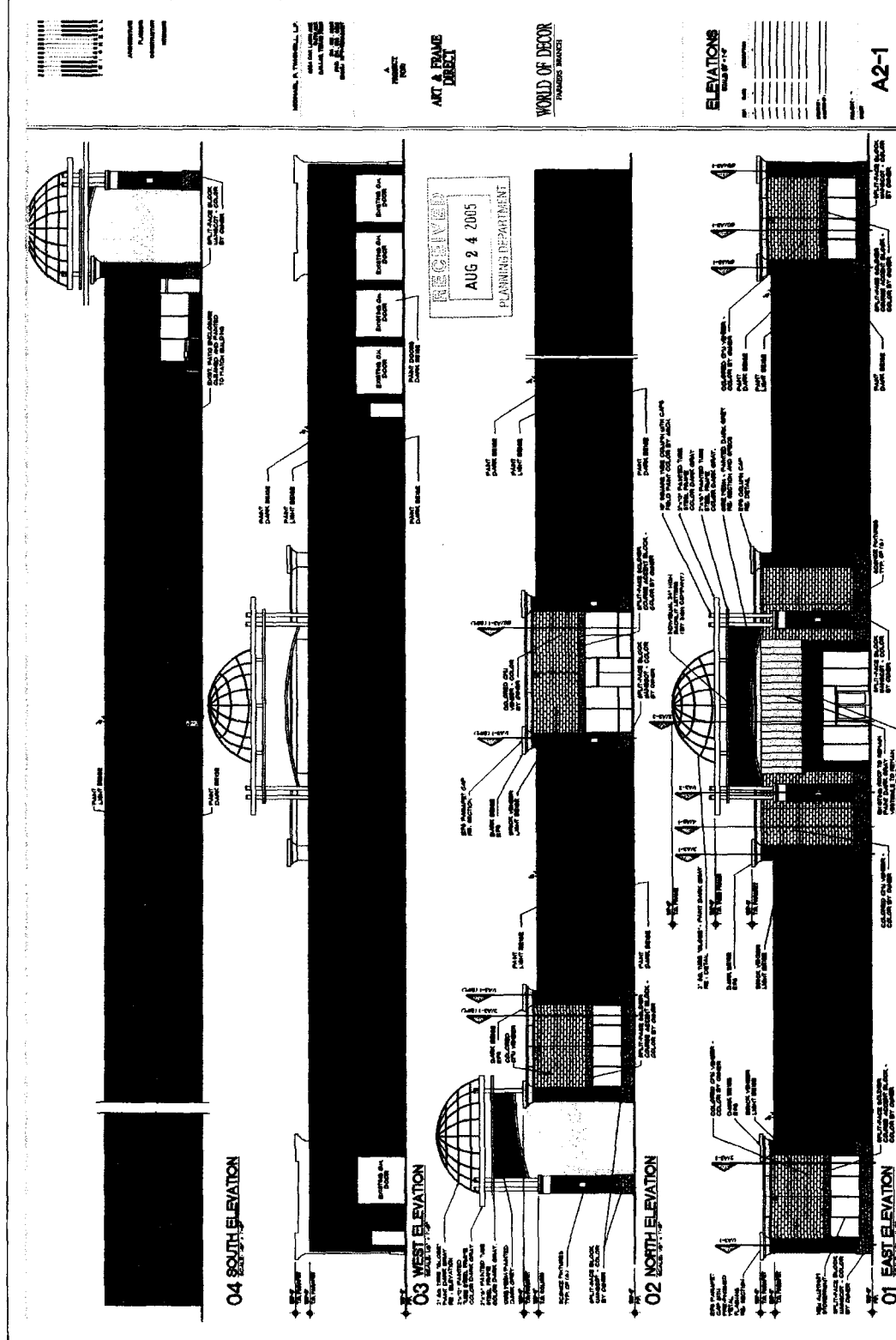


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3-155



# Exhibit C – Site Plan (continued)

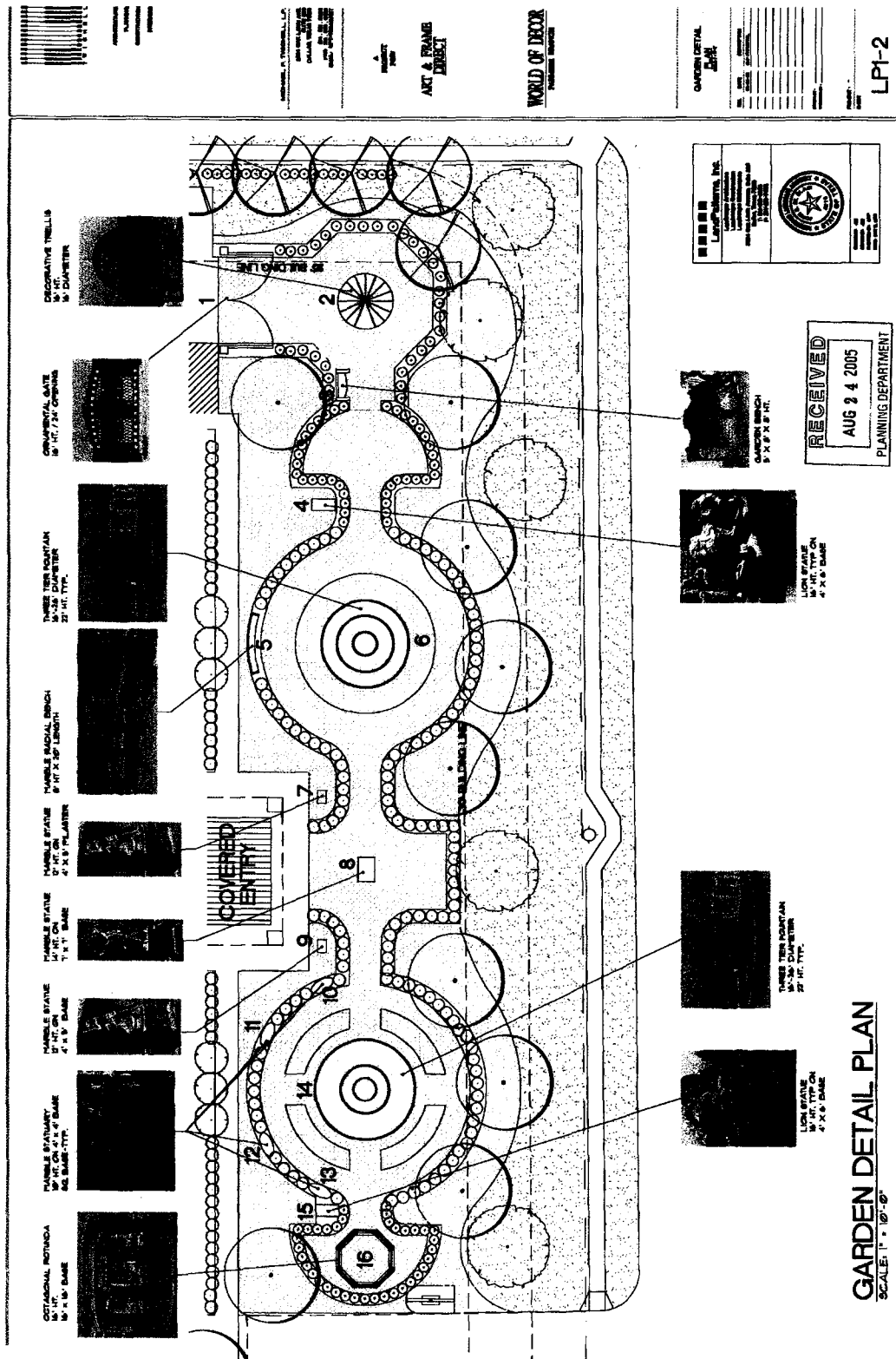


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Exhibit C – Site Plan (continued)



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Exhibit D – Plan of Operation



Planning & Zoning Commission of the City of Farmers Branch  
Application for Specific Use Permit

**PLAN OF OPERATION**

August 23, 2005 - B

All non-residential uses must provide the following information with the application:

Describe proposed use Up-scale visitor entry and exhibit space for long term outdoor statuary display to create the ambiance of a beautiful garden area.

Indicate hours of operation of the proposed use Hours of operation will be comparable to other facilities in the area. The proposed use being long term will necessitate attaching the items to the garden area in such a way as to require they be left in place on a twenty-four hour seven day a week basis.

Total number of employees: 45

Indicate if any storage is proposed outside the building No, there is sufficient space within the building to provide all necessary storage for current or future operations.

Indicate if any activity is proposed outside the building Visitors may stroll through the garden area enjoying the relaxed atmosphere created while considering decorating and landscaping possibilities.

Any other relevant unique information on the business or site Various exhibits will include fountain features which will be fully functional adding to the overall experience by visitors and those driving by the location. Below is a list of parameters for the various exhibit areas.

Any item identified as PERMANENT in the attached diagram is to be a permanent description of the item to be located at the site indicated and shall be maintained as such, such items may be repaired or replaced with similar items.

The Specific Use Permit as granted shall be for the display and sale of such items as herein described in connection with interior sales of Statues, Fountains and Furniture items. No other items not covered within the descriptions contained herein may be displayed.

AUG 24 2005

Exhibit D – Plan of Operation (continued)

**Delineation of Exhibit Specifications**

August 23, 2005 - B

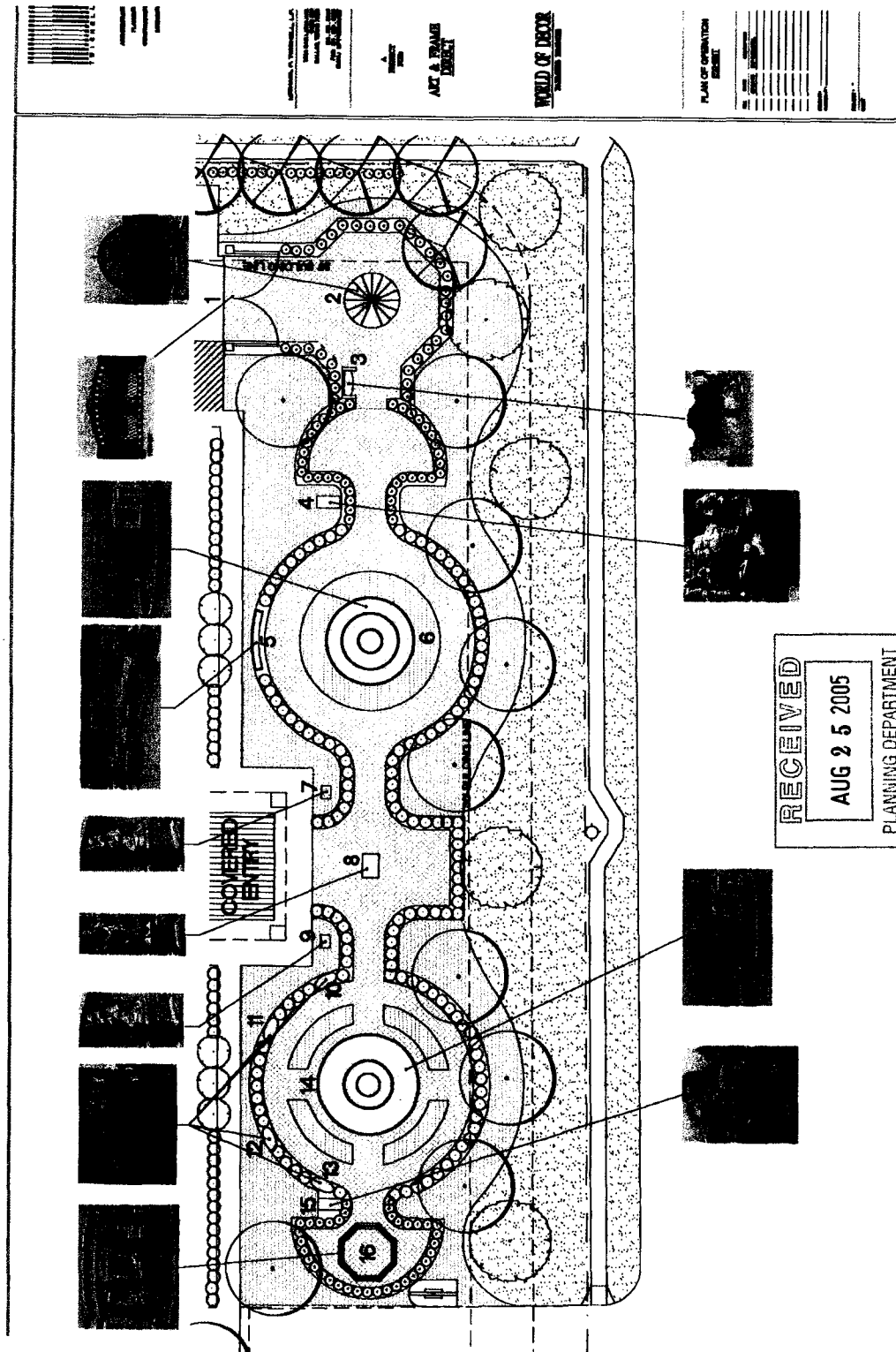
All descriptions are of the dominant figure or item, sizes are maximum and only one per location.

	Material	Base size	Height	Gen. Description
Exhibit site 1	Iron, Metal	24'	16'	Decorative gate, entrance (joining with building and landscaping system)
Exhibit site 2	Stone, Rock, Casting, w/ metal	16' diameter	16'	Decorative Trellis, cabana, rotunda
Exhibit site 3	Stone, Rock or Casting	5' x 8'	8'	Bench, Seating item <b>PERMANENT</b>
Exhibit site 4	Stone, Rock or Casting	4' x 6'	16'	Statue, Vase, Urn
Exhibit site 5	Stone, Rock or Casting	20' Radial dimension	8'	Bench, Seating item <b>PERMANENT</b>
Exhibit site 6	Stone, Rock or Casting	26' diameter	22'	Fountain <b>PERMANENT</b>
Exhibit site 7	Stone, Rock or Casting	4' x 5'	12'	Statue, Vase, Urn, Fountain
Exhibit site 8	Stone, Rock or Casting	7' x 7'	14'	Statue, Vase, Urn, Fountain
Exhibit site 9	Stone, Rock or Casting	4' x 5'	12'	Statue, Vase, Urn, Fountain
Exhibit site 10	Stone, Rock or Casting	4' x 4'	10'	Statue, Vase, Urn, Fountain
Exhibit site 11	Stone, Rock or Casting	4' x 4'	10'	Statue, Vase, Urn, Fountain
Exhibit site 12	Stone, Rock or Casting	4' x 4'	10'	Statue, Vase, Urn, Fountain
Exhibit site 13	Stone, Rock or Casting	4' x 4'	10'	Statue, Vase, Urn, Fountain
Exhibit Site 14	Stone, Rock or Casting	26' diameter	22'	Fountain <b>PERMANENT</b>
Exhibit site 15	Stone, Rock or Casting	4' x 6'	16'	Statue, Vase, Urn, Fountain
Exhibit site 16	Stone, Rock or Casting	16' x 16'	16'	Rotunda, Bench, Cabana

AUG 24 2005

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